

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Tugwell Drive, 505.85' N of
McCurley Avenue
(1217 Tugwell Drive)
1st Election District
1st Councilmanic District

Michael Gene Barry
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-50-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 1217 Tugwell Drive, located in the vicinity of Rolling Road in Catonsville. The Petition was filed by the owner of the property, Michael Gene Barry. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 and 211.4 of the 1953 Regulations) to permit a side yard setback of 5 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 22 feet in lieu of the required 30 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a proposed patio enclosure. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. There being no requests for public hearing, a decision shall be rendered based upon the documentation presented. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient

ORDER RECEIVED FOR FILING
Date 9/16/96
By [Signature]

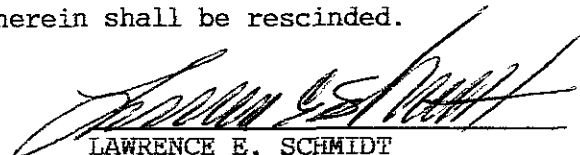
MICROFILMED

facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of September, 1996 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 and 211.4 of the 1953 Regulations) to permit a side yard setback of 5 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 22 feet in lieu of the required 30 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a proposed patio enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/11/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 9, 1996

Mr. Michael G. Barry
1217 Tugwell Drive
Catonsville, Maryland 21228

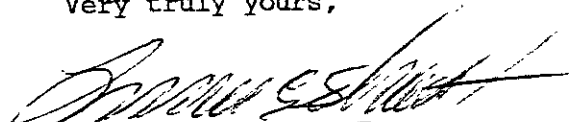
RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Tugwell Drive, 505.85' N of McCurley Avenue
(1217 Tugwell Drive)
1st Election District - 1st Councilmanic District
Michael Gene Barry - Petitioner
Case No. 97-50-A

Dear Mr. Barry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. R. L. Tice, Patio Enclosures, Inc.
224 8th Avenue, NW, Glen Burnie, Md. 21061

People's Counsel

✓
File

MICROFILMED





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1217 TUGWELL DRIVE

which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.B (1953 Regs 211.3, .4)

To allow a side yard setback of 5 feet and a sum of side yard setbacks of 22 feet, and a rear yard setback of 22 feet in lieu of the minimum required 8 feet, 20 feet and 30 feet respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

*SEE REVERSE SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

GENE BARRY

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

XXXXX
Petitioner:

PATIO ENCLOSURES, INC.

(Type or Print Name)

1217 TUGWELL DRIVE

744-5090

Address

Phone No.

CATONSVILLE, MD. 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

R. L. TICE

PATIO ENCLOSURES, INC.

Name

224 8th AVE., N.W. 760-1919

Address

Phone No.

GLEN BURNIE, MD. 21061

Signature

R. L. TICE

224 8th AVE., N.W. 760-1919

Address

Phone No.

GLEN BURNIE, MD. 21061

City

State

Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *JD*

DATE: *8-9-96*

ESTIMATED POSTING DATE: *8/18*



Printed with Soybean Ink
on Recycled Paper

ITEM #: *69*

ORDER RECEIVED FOR FILING

Date

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1217 TUGWELL DRIVE
address
CATONSVILLE, MD. 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS?
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS: MOSQUITOES, FLYS, ETC.
5. IMPROVE APPEARANCE OF HOUSE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

X. Michael Gene Barry
(signature)
GENE BARRY
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of July, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael Gene Barry
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/23/96
date

Anna B. McMahon
NOTARY PUBLIC

My Commission Expires: 7/29/98

69

DESCRIPTION OF PROPERTY

97-50-A

BEGINNING for the same on the west side of Tugwell Drive 50 feet wide, at a point distant 461.44 feet measured northeasterly and northerly along the northwest and western side of Tugwell Drive from the intersection formed by the northwest side of said Tugwell Drive 50 feet wide, and the east side of McCurley Avenue, as shown on Plat entitled "Subdivision Plan - Newburg Heights", hereinafter referred to, coordinates of said point of intersection being west 34,667.03 and south 14,681.20; and running thence and binding on the west side of Tugwell Drive north 19 degrees 04 minutes 10 seconds west 53 feet; thence leaving the west side of Tugwell Drive and running for lines of division the three following courses and distances; viz: first, south 70 degrees 55 minutes 50 seconds west 100 feet, second south 19 degrees 04 minutes 10 seconds east 53 feet, and third, north 70 degrees 55 minutes 50 seconds east 100 feet to the place of beginning. The improvements thereon being known as No. 1217 Tugwell Drive.

MICROFILMED

97-50-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15+ Date of Posting 9.10.96
Posted for: Administrative Variance
Petitioner: Barris
Location of property: 1217 Tugwell Drive
Location of Sign: Front yard of 1217 Tugwell Drive
Remarks: _____
Posted by: Joe Schrack Signature Date of return: _____
Number of Signs: 1



ENCLOSURE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 16, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-50-A (Item 69)
1217 Tugwell Drive
W/S Tugwell Drive, 505.85' N of McCurley Avenue
1st Election District- 1st Councilmanic
Legal Owner(s): Gene Barry

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 18, 1996. The closing date (September 3, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Gene Barry
Patio Enclosures, Inc.

RECORDED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 29, 1996

Mr. Gene Barry
1217 Tugwell Drive
Catonsville, MD 21228

RE: Item No.: 69
Case No.: 97-50-A
Petitioner: Gene Barry

Dear Mr. Barry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 9, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



The seal of Baltimore County, Maryland, is a circular emblem. It features a central shield divided into four quadrants by a cross. The top-left quadrant shows a ship, the top-right shows a castle, the bottom-left shows a sheaf of wheat, and the bottom-right shows a sheaf of wheat. The shield is surrounded by a border containing the text "BALTIMORE COUNTY" at the top and "MARYLAND" at the bottom, separated by small stars.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & LICENSES
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

MAKE MONEY ORDER OR CHECK PAYABLE TO "BALTIMORE COUNTY, MARYLAND".

NAME OF APPLICANT (please type or print) _____

Telephone Number

[illegible]

(* Serial numbers must be included; either the manufacturer's # or an owner assigned #.)
***** BELOW LINE IS FOR OFFICE USE ONLY *****

Reference #	Data Entered	Initials	P&L:ADL1/92
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: August 22, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 33, 48, 55, 58, 62, 63, 65, 66, 67, and 69

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

C. J. Jabb
DIRECTOR

John R. King
BUILDINGS ENGINEER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 23, 1996

FROM: Robert W. Bowling, Chief *RWB/DAR*
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 26, 1996
Items: "Use Permit-Parking", 033,
057, 058, 062, 063, 065, 066, 067,
and 069

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

[Signature]
BUILDINGS ENGINEER

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/15/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 19, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 33, 55, 58, 60, 63, 64, 65, 66,
67, 68, 69 AND 71.

11-1336

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Baltimore County Government
Department of Community Development



One Investment Place Suite 800
Towson, MD 21204

887-3317
Fax 887-5696



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

8-16-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 069 (JJS)


Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 

Ronald Burns, Chief
Engineering Access Permits
Division

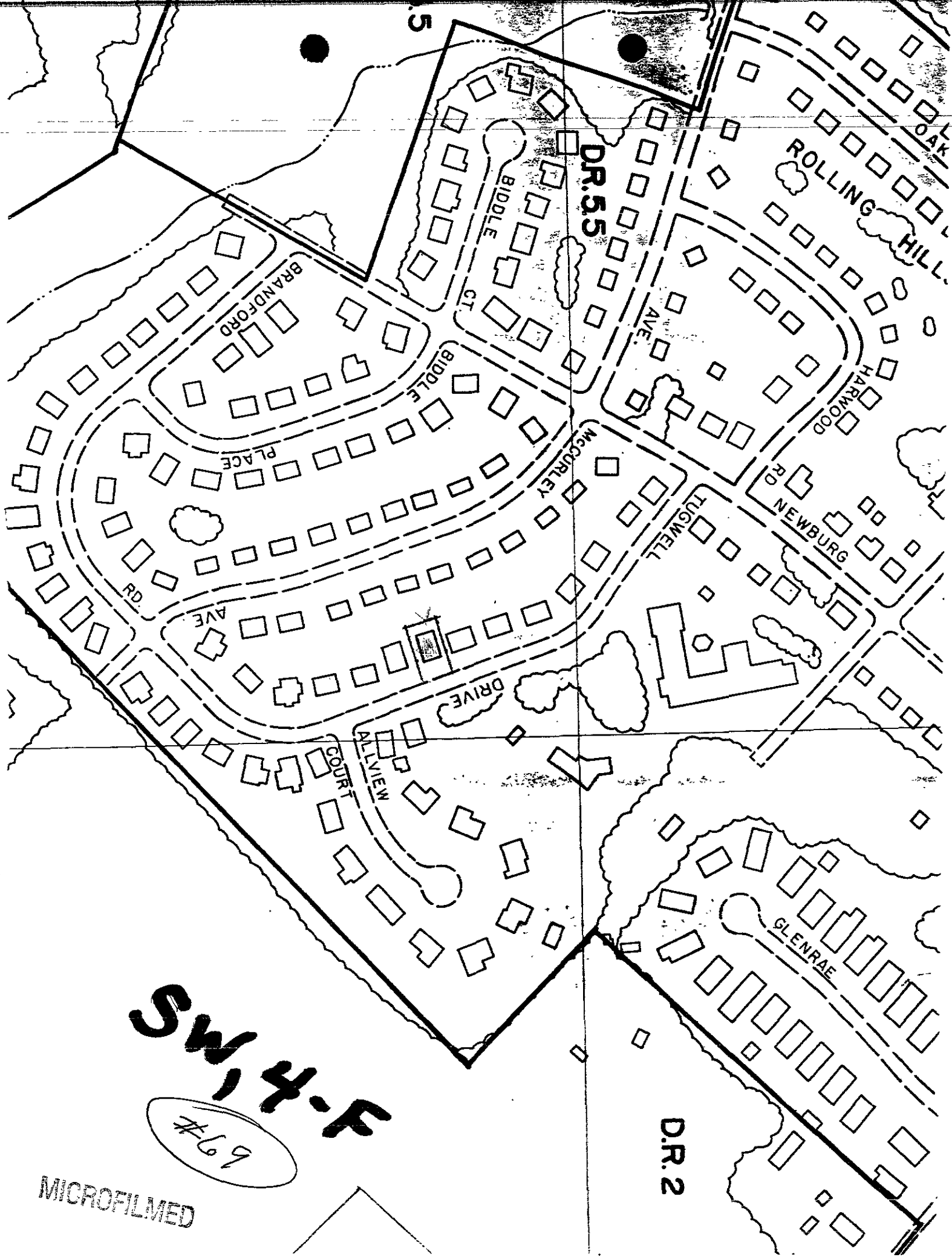
BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



D.R. 5.5

D.R. 2

SW, 4-F

#69

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Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

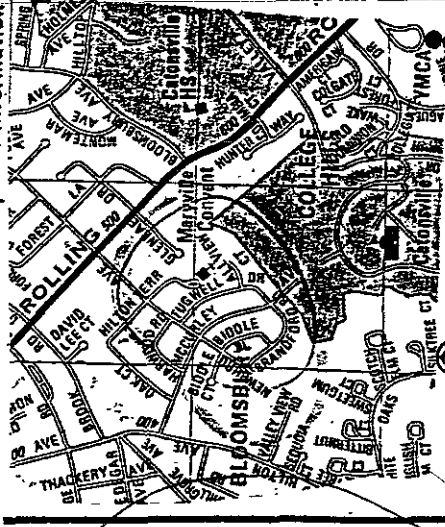
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 1217 TUGWELL DRIVE

Subdivision name: NEWBURG HEIGHTS

plat book # 19, folio # 85, lot # 31, section # 0

OWNER: MICHAEL & LOIS BARRY



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 1

Councilmanic District: 1

1"-200' scale map #: SW 4-F

Zoning: DR 5.5

Lot size: 122 acreage 5300 square feet

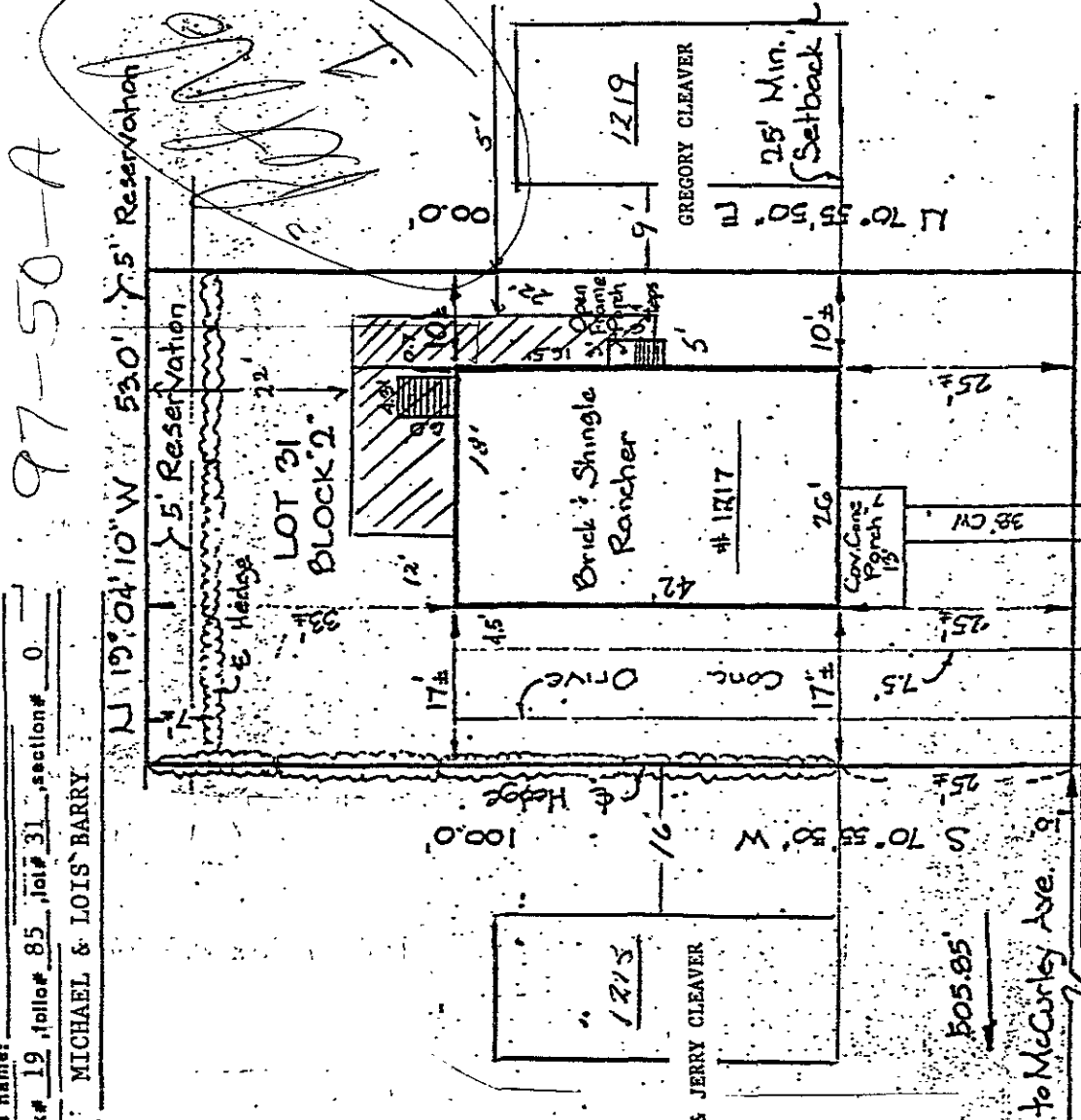
SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: N/A

Zoning Office USE ONLY

reviewed by: *[Signature]* ITEM #: CASE#:

69



TUGWELL DR.
50' R/W

Scale of Drawing: 1"= 20'

AGENT

prepared by: R. L. TICE

North

date: 8/8/96



MICROFILM

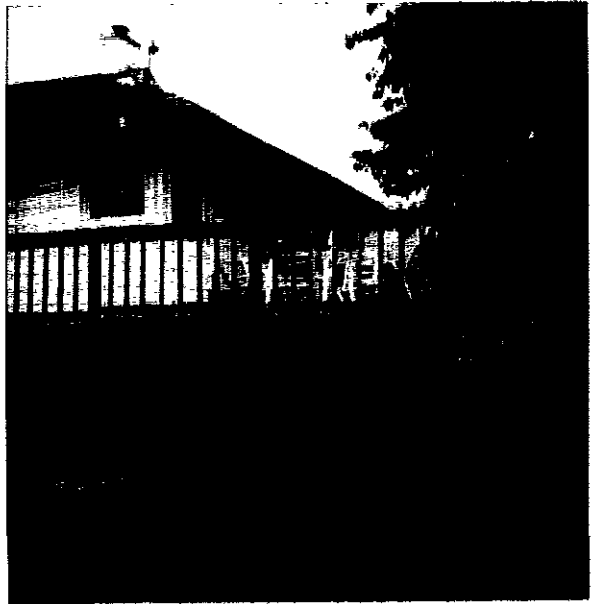
Cub Hill Rd. Property	ldab	ldab	ix			13 & 5	5-17-89	6-19-89 to signature
Pen Delle Manor III	ldab	lhjo	ix			4	"	6-8-89 to engr.

PROJECT NAME	P.E.	REV.	CD	OTS	IRPS	REV. #	DATE IN	DATE-OUT W/REMARKS
Pleasant Hills Sec. 2	dak	hjo	x			3	"	6-19-89 to engr.
Falls Gable	ldab	lrpm	ix			2	"	6-13-89 to engr.
Kings Park Bus. Ph 2 Sewer	ldab	lrpm	ix			2	"	6-14-89 to sign.
Rolling View Green	ldab	lrpm	ix			6	"	6-14-89 to engr.
Summit Overlook	ldab	lrpm	ix			2	"	5-19-89 to sign
Britinay IV Revised	ldab	lrpm	ix			1	"	6-14-89 to proj. engr.
104 Church Lane	ljrl	lhjo	ix			5	5-18-89	6-8-89 to engr.
Neel Property	dak	rpm	x			1	"	6-14-89 to engr.
Hunters Run Sec. 6	ljrl	lrpm	ix			2	"	6-13-89 to engr.
Worthington Park Sec. 3 Ph 1	ldak	lhjo	ix			3	5-20-89	6-12-89 to proj. engr.
Treemper Farm-sanitary	ljrl	lrpm	ix			1	"	6-16-89 to proj. engr.
St. Joseph's Hosp. Offices	ldfm	lhjo	ix			1	"	6-6-89 to engr.
French Property	ldfm	lrpm	ix			1	"	6-13-89 to proj. engr.
Placid Avenue	ldfm	lrpm	ix			1	"	6-14-89 to engr.
Woodward Square 1st Am.	ldak	ldak			ix	1	"	5-30-89 to s. wimbley
Watson Property Sec. 3	dak	hjo			x	1	"	6-2-89 to s. wimbley
5309 Old Court Rd.	dfm	rpm			x	1	"	6-8-89 to s. wimbley

Summit Chase	ldab	lrpm		ix			5-22-89	5-25-89 to proj. engr.
Diamond Ridge	ldab	lrpm		ix			"	5-25-89 to proj. engr.
Suburbia	ldab	lrpm		ix			5-23-89	5-25-89 to proj. engr.
Chapelgate Sec. 4	ldfm	ldfm	ix			6	"	6-20-89 to signature
Bee Tree Mill	ldfm	ldfm	ix			5	"	6-20-89 to signature
Owings Mills Comm. Lot 20	ldak	ldak	ix			5	"	5-26-89 to sign.



#69



#69

97-50-A

#12



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

CATONSVILLE

SHEET

MICROFILMED
S.W.
4-F

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Tugwell Drive, 505.85' N of
McCurley Avenue
(1217 Tugwell Drive)
1st Election District
1st Councilmanic District
Michael Gene Barry
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-50-A
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of September, 1996 that the Petition for Administrative Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 and 211.4 of the 1953 Regulations) to permit a side yard setback of 5 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 22 feet in lieu of the required 30 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a proposed patio enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 9, 1996

Mr. Michael G. Barry
1217 Tugwell Drive
Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Tugwell Drive, 505.85' N of McCurley Avenue
(1217 Tugwell Drive)
1st Election District - 1st Councilmanic District
Michael Gene Barry - Petitioner
Case No. 97-50-A

Dear Mr. Barry:

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Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. R. L. Tice, Patio Enclosures, Inc.
224 8th Avenue, NW, Glen Burnie, Md. 21061

People's Counsel

file



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 1217 TUGWELL DRIVE

97-50-A which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B of the B.C.Z.R. (1953 SESS 211.3 & 211.4) to allow a side yard setback of 5 feet and a sum of side yard setbacks of 22 feet, and a rear yard setback of 22 feet in lieu of the minimum required 8 feet, 20 feet and 30 feet respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

*SEE REVERSE SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner name:	With the following address and after, under the penalties of perjury, that this is the legal owner of the property which is the subject of this Petition.
Type or Print Name	Legal Owner(s):
Signature	GENE BARRY
Address	X <i>Michael Gene Barry</i>
City	Signature
State	Type or Print Name
Zip code	Signature
Patron:	1217 TUGWELL DRIVE 744-5090
Type or Print Name	Address
Signature	CATONSVILLE, MD. 21228
Address	City
City	R. L. TICE
State	PATIO ENCLOSURES, INC.
Zip code	Name
Patron:	224 8th AVE., N.W. 760-1919
Type or Print Name	Address
Signature	GLEN BURNIE, MD. 21061
Address	City
City	State
State	Zip code
Zip code	

A Public Hearing having been requested and/or held to be required, it is ordered, by the Zoning Commissioner of Baltimore County, Md., that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, at the time and place of general circulation throughout Baltimore County, and that the property be required.

Reviewed by: *8-2-96* DATE: *8/18* ESTIMATED POSTING DATE: *8/18*

Printed with Soybean Ink on Recycled Paper ITEM #: *69*

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) believe and represent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1217 TUGWELL DRIVE

CATONSVILLE, MD. 21228

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (indicate whether or not permanent)

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS?
3. REDUCE OUTSIDE ROISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS: MOSQUITOES, FLIES, ETC.
5. IMPROVE APPEARANCE OF HOUSE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a responding and advertising fee and may be required to provide additional information.

Michael Gene Barry
GENE BARRY
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of July, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael Gene Barry

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/23/96

My Commission Expires: *7/24/95*

DESCRIPTION OF PROPERTY 97-50-A

BEGINNING for the same on the west side of Tugwell Drive 50 feet wide, at a point distant 461.44 feet measured northeasterly and northerly along the northwest and western side of Tugwell Drive from the intersection formed by the northwest side of said Tugwell Drive 50 feet wide, and the east side of McCurley Avenue, as shown on Plat entitled "Subdivision Plan - Newburg Heights", hereinafter referred to, coordinates of said point of intersection being west 34,667.03 and south 14,681.20; and running thence and binding on the west side of Tugwell Drive north 19 degrees 04 minutes 10 seconds west 53 feet, thence leaving the west side of Tugwell Drive and running for lines of division the three following courses and distances; viz: first, south 70 degrees 55 minutes 50 seconds west 100 feet, second south 19 degrees 04 minutes 10 seconds east 53 feet, and third, north 70 degrees 55 minutes 50 seconds east 100 feet to the place of beginning. The improvements thereon being known as No. 1217 Tugwell Drive.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 8.18.96
Posted for: Administrative Variance
Petitioner: Barry
Location of property: 1217 Tugwell Drive
Location of Sign: Front of 1217 Tugwell Drive
Remarks: See Schuck
Posted by: Schuck Date of return:
Number of Signs: 7



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 16, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-50-A (Item 69)
1217 Tugwell Drive
W/S Tugwell Drive, 505.85' N of McCurley Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Gene Barry

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 18, 1996. The closing date (September 3, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jahn

Arnold Jahn
Director

cc: Gene Barry
Patio Enclosures, Inc.

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97-50-A
#67

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY	CATONSVILLE	S.W. 4-F
JANUARY 1986		